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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) CASE NO. MJ 10-512
11 Plaintiff,)
12)
13 v.)
14 CURTIS MCLAY)
15)
16 Defendant.)
17)
18)
19)
20)
21)

22 Offense charged: Conspiracy to Distribute Cocaine; Possession of Cocaine with Intent to
23 Distribute; Allegation of Forfeiture

24 Date of Detention Hearing: December 22, 2010

25 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
26 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
27 that no condition or combination of conditions which defendant can meet will reasonably assure
28 the appearance of defendant as required and the safety of other persons and the community.

29 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

30 1. Defendant has been charged with a drug offense the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both
02 dangerousness and flight risk, under 18 U.S.C. §3142(e).

03 2. Defendant does not contest detention. He was not interviewed by Pretrial
04 Services, so much of his background information is unknown or unverified. There is an
05 immigration detainer that has been placed on the defendant, who is a native of Canada. He has
06 a history of probation violations and new charges while on supervision.

07 3. Taken as a whole, the record does not effectively rebut the presumption that no
08 condition or combination of conditions will reasonably assure the appearance of the defendant
09 as required and the safety of the community.

10 It is therefore ORDERED:

- 11 (1) Defendant shall be detained pending trial and committed to the custody of the
12 Attorney General for confinement in a correction facility separate, to the extent
13 practicable, from persons awaiting or serving sentences or being held in custody
14 pending appeal;
- 15 (2) Defendant shall be afforded reasonable opportunity for private consultation with
16 counsel;
- 17 (3) On order of a court of the United States or on request of an attorney for the
18 Government, the person in charge of the corrections facility in which defendant
19 is confined shall deliver the defendant to a United States Marshal for the purpose
20 of an appearance in connection with a court proceeding; and
- 21 (4) The clerk shall direct copies of this Order to counsel for the United States, to
22 counsel for the defendant, to the United States Marshal, and to the United States

01 Pretrial Services Officer.

02 DATED this 22nd day of December, 2010.

03 
04 Mary Alice Theiler
05 United States Magistrate Judge